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Apr 06 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS

JUDGE R. KEITH KELLY, CIRCUIT COURT JUDGE

APPELLATE CASE NO.: 2022-001059

Kenneth Pace, Individually and as Personal Representative of the
Estate of Earl E. Pace,

Respondent,

v.

Lake Emory Post Acute Care; THI of South Carolina at Camp Care, LLC;
THI of South Carolina, LLC; THI of Baltimore, Inc.; Fundamental
Administrative Services, LLC; Fundamental Clinical and Operational
Services, LLC; Fundamental Clinical Consulting, LLC; Fundamental
Long Term Care Holdings, LLC, and Kerry L. Wheeler, DO,

Defendants,

Of which Lake Emory Post Acute Care; THI of South Carolina at Camp
Care, LLC; THI of South Carolina, LLC; THI of Baltimore, Inc.;
Fundamental Administrative Services, LLC; Fundamental Clinical and
Operational Services, LLC; and Fundamental Long Term Care Holdings,
LLC, are

Appellants

**MOTION FOR EXTENSION OF TIME TO FILE/SERVE
RESPONDENT'S INITIAL BRIEF**

Jennifer Spragins Burnett (S.C. Bar No. 69617)
Anthony L. Harbin (S.C. Bar No. 6399)
Harbin & Burnett, LLP
P.O. Box 35
Anderson, SC 29622
Ph: 864-964-0333
Fax: 864-964-0930
Attorneys for Respondent

COMES NOW Respondent Kenneth Pace, Individually and as Personal Representative of the Estate of Earl E. Pace, by and through his undersigned counsel, pursuant to Rule 263(b), SCACR, and move for an extension of thirty (30) days' additional time to file/serve his initial brief and corresponding designation of matter to be included in the record on appeal.

Appellant's Initial Brief and Designation of Matter was filed on February 9, 2023, Respondent requested a 30 day extension on March 9, 2023 which was granted by the Court on March 10, 2023. Presently the deadline for Respondent's initial brief and designation of this matter is April 12, 2023. On account of work-related and other time commitments, Respondent respectfully requests this deadline be extended by an additional 30 days. Respectfully, Respondent believes this relief is consistent with the interests of justice and will not work any undue prejudice upon Respondent.

WHEREFORE, Respondent moves this Honorable Court to grant him an additional extension of 30 days' time to file/serve his initial brief and corresponding designation of matter to be included in the record on appeal. With the extension requested herein, the new deadline for filing/serving his initial brief and designation of matter would be May 12, 2023, according to the undersigned's calculations. Further, Respondent respectfully requests the Court hold their present initial-briefing/designation-of-matter deadline in abeyance until it acts upon this motion.

s/ Jennifer Spragins Burnett
Jennifer Spragins Burnett
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Attorneys for Respondent

Anderson, South Carolina
April 6, 2023

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PROOF OF SERVICE

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Attorneys for Respondent

I, Jennifer Spragins Burnett, of Harbin & Burnett, LLP, attorneys for Respondent, hereby certify that Respondent's **MOTION FOR EXTENSION OF TIME TO FILE/SERVE RESPONDENT'S INITIAL BRIEF** was served on Appellants on April 6, 2023, by emailing (see attached) a copy of the same to Appellant's counsel of record:

Stephen L. Brown
D. Jay Davis, Jr.
Russell G. Hines
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Attorneys for Appellants

Respectfully submitted,

Harbin & Burnett, LLP

s/ Jennifer Burnett
Jennifer Spragins Burnett
Attorney for Respondent

Anderson, South Carolina
April 6, 2023